

Attorney Docket No.: 00P9128US

## DRAWINGS

### **Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 4. This sheet, which includes FIG. 1 and FIG. 4 replaces the original sheet including FIG. 1 and FIG. 4. In FIG. 4, the captions FIG. 4A, FIG. 4B, FIG. 4C, and FIG. 4D have been added.

Attachment: Replacement Sheet

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**REMARKS**

Upon entry of the instant Amendment, Claims 1-20 are pending. Applicants gratefully acknowledge that claims 16-19 were indicated to be allowable over the prior art. Claims 16-19, as well as claims 2, 3, 6, 7, 10, 11, 13, and 14, have been amended to overcome the Section 112 rejections. Claim 20 has been added to more particularly point out applicants' invention. The drawings were amended to add the legend FIG. 4A, FIG. 4B, FIG. 4C, FIG. 4D to FIG. 4. The Specification was amended to correct various informalities. No new matter has been added.

**Drawings and Specification**

The drawings were objected to because FIG. 4 did not specify FIG. 4A, 4B, 4C, and 4D; FIG. 4 has been amended to provide the legends. No new matter has been added.

The Specification was objected to because of various informalities. With reference to page 5, lines 29-30, applicants submit that this refers to the active slots and the inactive interval periods between slots, as discussed variously in the Specification. With reference to the remaining objections, the Specification has been amended in accordance with the various suggestions of paragraph 3 in the Official Action. No new matter has been added.

**Section 112 Issues**

Claims 16, 17, and 19, as well as claims 2, 3, 6, 7, 10, 11, 13, and 14, have been amended in accordance with the suggestions in the official action. As such, Applicants respectfully submit that the basis for the objection is obviated. With reference to claims 4, 8, 15, and 19, Applicants respectfully submit that the current language sufficiently clarifies the present invention.

**Prior Art Rejections**

Claims 1-15 have been rejected under 35 U.S.C. 102(b) as being anticipated by

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WO99/09678. In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by WO99/09678.

Claims 1 and 5 have been amended to recite "identifying active slots in a frame; and . . . determining a duration of carrier usage based on durations of numbers of said active slots;" Claim 9 has been amended to recite "a slot monitoring module adapted to identify active slots in a frame; and a frequency selection module adapted to determine a duration of carrier usage based on durations of numbers of said active slots;" and claim 12 recites "determining a duration of carrier usage based on total durations of said number of active slots."

As discussed in the Specification, embodiments of the present invention relate to a frequency hopping spread spectrum telecommunication system which selects carrier frequencies based on the number of active slots. The duration that carriers are employed is then based on the number of active slots, rather than the number of frames.

That is, embodiments of the present invention may employ a frequency selection module 506 and a slot monitor module 508 having a counter 510. The frequency selection module 506 may operate according to any frequency hopping scheme, and receives inputs from the slot monitor 508. More particularly, the slot monitor 508 monitors transmissions and, in certain embodiments, using a counter 510, counts the number of active slots being sent per frame. The slot monitor 508 then informs the frequency selection module of the number of active slots. The duration of these slots is then used by the frequency selection module 506 in its calculation of the amount of time available during a particular period that a given carrier frequency can be used.

In contrast, WO99/09678 relates to determining opportune times for when to make a change in carrier frequency. More particularly, WO99/09678 makes use of inactive time slots to perform a carrier frequency change. WO99/09678 does not, however, determine how *long* a particular frequency may be used *based on durations of*

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active time slots, as generally recited in the claims at issue. That is, while WO99/09678 uses inactive time slots to make the carrier change, it does not appear to relate to how often the change must be made. Presumably, regardless of the number of active slots, so long as one connection is active, the frequency is assumed to be used for the entirety of a frame, rather than based on the durations of the number of active slots, as generally recited in the claims at issue. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Newly added claim 20 is dependent on allowable claim 16. As such, Applicants believe this claim, too, is in condition for allowance.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully requested,

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